

Serial No. 09/910,709  
Response dated April 24, 2006  
Reply to Final Office Action of November 22, 2005

Docket No. P-0236

**REMARKS**

Claims 21-45 are pending. Claim 21 has been amended to more closely correspond to one or more embodiments of the invention, and new claims 41-45 have been added to provide an additional measure of protection for the invention.

Reconsideration of the application is respectfully requested for the following reasons.

I. **The Rejection under 35 USC § 102(e).**

In the Final Office Action, the Examiner rejected claims 27, 30, and 37 under 35 USC § 102(e) for being anticipated by the Hasegawa patent. This rejection is respectfully traversed for the following reasons.

Claim 27 recites a terminal having a wireless unit for transmitting and receiving digital data. The wireless terminal includes a controller which performs “a data discriminating function to discriminate whether the digital data received by the wireless transmitting/receiving unit includes recognition data having a file information of the compressed digital data.” The Hasegawa patent does not disclose these features.

The Hasegawa patent discloses a server which downloads information to a terminal through a communication network. In all but one embodiment, the terminal is a personal or microcomputer. Only the embodiment shown in Figs. 9A and 9B cover a wireless terminal in the form of a cellular phone 20. (See column 14, lines 63-67).

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The Hasegawa cellular phone operates as follows. First, the phone connects to server 1 through a mobile communication network (column 15, lines 12-15). Then, the phone receives compressed music piece data from the server through the network. The music data is then played through a tone generator in response to a ring signal (e.g., as a ring tone) or as background music during a call (column 15, lines 39-52). All of these operations are managed by controller (CPU 22) in the phone.

Unlike claim 27, the Hasegawa patent does not disclose or even suggest that controller 22 performs “a data discriminating function to discriminate whether the digital data received by the wireless transmitting/receiving unit includes recognition data having a file information of the compressed digital data.” (Emphasis added). See column 15 which discloses that the Hasegawa phone has a conventional microcomputer which includes CPU 22, and that CPU performs standard functions such as controlling a memory, communication interface, and other features of a cellular phone. Neither column 15 nor any other portion of the Hasegawa patent discloses the data discriminating function of claim 27.

Claim 27 further recites that “the recognition data and the corresponding compressed digital data are capable of being separately transmitted/received.” The Hasegawa patent does not disclose these features either, i.e., Hasegawa does not disclose that the music piece data transmitted from server 1 to phone 20 is capable of being transmitted separately from the music piece data. Moreover, in the Final Office Action, the Examiner pointed to Figure 2 of the Hasegawa patent to provide the aforementioned features. However, Hasegawa does not support

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this reading, as it expressly discloses at column 5, lines 25-30, that the Figure 2 embodiment corresponds only to the case where client terminal 2 is a personal computer or microcomputer, i.e., the Figure 2 embodiment does not cover a situation where terminal 2 is a wireless terminal.

Moreover, Figure 2 of Hasegawa only shows the general architecture for storing data files in computer terminal 2. Neither this figure nor any other figure in Hasegawa (including the only figures drawn to a cellular phone (Figs. 9A and 9B)) discloses the recognition data of 27, and then that “the recognition data and the corresponding compressed digital data are capable of being separately transmitted/received.”

In order to establish a *prima facie* case of anticipation, the Hasegawa patent must disclose all of the features of claim 27, either explicitly or inherently. See MPEP § 2131. Absent a disclosure of the features of claim 27 discussed above, it is respectfully submitted that the Hasegawa patent cannot establish a *prima facie* case of anticipation of claim 27 or any of its dependent claims.

Claim 30 recites “transmitting data for identifying and the selected compressed data file to the receiver terminal, the data for identifying having a file information of the compressed digital data, wherein the data for identifying and the selected compressed data file are separately transmittable.” As noted above, the Hasegawa patent does not disclose these features. Applicants therefore submit that claim 30 and its dependent claims cannot be anticipated by this patent.

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Claim 37 recites a digital data terminal having a wireless transmitting/receiving unit and which includes a controller which “determines whether received digital data includes recognition data to recognize a compressed data file, and wherein the recognition data and the corresponding compressed data file are capable of being separately transmitted/received.” As noted above, the Hasegawa patent does not disclose these features. Applicants therefore submit that claim 37 and its dependent claims cannot be anticipated by this patent.

## II. The Rejections under 35 USC § 103(a).

Claims 21, 23-26, 29, 32, 39, and 40 were rejected for being obvious in view of a Hasegawa-Wendelrup combination. This rejection is respectfully traversed for the following reasons.

Claim 21 recites a method for transmitting a compressed digital data file to a receiver terminal, e.g., a mobile communication terminal. The method includes “providing an input window for inputting information of a receiver terminal.” This information may, for example, be a telephone number of the receiver terminal or other terminal-related information. (See, e.g., Paragraph [27] of the specification). These features are not taught or suggested by the cited references, whether taken alone or in combination.

Referring to Hasegawa, the Examiner stated that the providing step quoted above is performed by terminal 2. Initially, it is noted that terminal 2 is not a wireless terminal as is evident from subsequent recitations in claim 21. Secondly, in the system of Hasegawa, the

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cellular phone shown in Figures 9A and 9B is the receiver terminal and therefore cannot perform the providing step. That is, as disclosed at column 15, cellular phone 20 receives music piece data from server 1. Hasegawa does not disclose (nor would it make any sense for it to disclose) that phone 2 provides “an input window for inputting information of a receiver terminal,” because in this case the receiver terminal would be itself, i.e., phone 20.

These differences are further made clear by subsequent recitations in claim 21, which indicate that the receiver terminal information is transmitted to the receiver terminal. Hasegawa does not transmit any information to itself and therefore this patent does not teach or suggest the providing step of claim 1.

The Wendelrup publication is equally deficient in this respect. The Wendelrup patent discloses a cellular phone for downloading MP3 music files for storage either in a resident memory, a flash memory, or an external memory. Wendelrup does not disclose “providing an input window for inputting information of a receiver terminal,” e.g., itself.

Claim 21 further recites “combining the input receiver information and data information for identifying the selected compressed digital data file to transmit the combined information to the receiver terminal.” This step covers the situations where, for example, the telephone number of the cellular phone is combined with information identifying a selected music file, and then this combined information is transmitted to the cellular phone. The Hasegawa and Wendelrup patents do not teach or suggest combining such information.

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In addressing these features of the invention, the Examiner relied on Figure 8 of the Hasegawa patent. But this figure does not relate to the cellular phone 20 in Figures 9A and 9B. Moreover, even if it did, Figure 8 and corresponding portions of the Hasegawa specification do not disclose combining input receiver information and data information for identifying the selected compressed digital data file for transmission to the receiver terminal.

Finally, claim 21 recites that “the data for identifying the selected compressed digital data file and the selected compressed digital data file are separately transmittable.” As discussed above, Hasegawa does not disclose these features and neither does Wendelrup.

Based on at least the differences noted above, it is respectfully submitted that a Hasegawa-Wendelrup combination cannot render claim 21 or any of its dependent claims obvious. Withdrawal of the rejection against these claims is therefore respectfully requested.

Claim 29 depends from base claim 27, claim 32 depends from base claim 30, and claim 39 depends from base claim 37. Applicants respectfully submit that the Wendelrup publication does not teach or suggest the features of base claims 27, 30, and 37 missing from the Hasegawa publication. For at least these reasons, Applicants submit that claims 29, 32, and 39 are allowable along with claim 40 based on its dependency from base claim 21.

Claim 22 was rejected for being obvious in view of a Hasegawa-Wendelrup-Carpentier combination, claims 28, 31, and 38 were rejected for being obvious in view of a Hasegawa-Carpentier combination, and claims 33-36 were rejected for being obvious in view of a Hasegawa-Wendelrup-Carpentier combination. The Carpentier patent was cited for its disclosure

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of identification data which corresponds to the capacity of a data file. However, Carpentier does not teach or suggest the features of base claims 21, 27, 30, and 37 from which claims 22, 28, 31, 33-36, and 38 depend. For at least these reasons, it is submitted that the aforementioned dependent claims are allowable.

### **III. New Claims.**

New claims 41-45 have been added to the application.

Claim 41 recites a method for receiving and reproducing a digital data file in a device, comprising which method includes receiving first information for identifying the digital data file and second information for identifying a source of the digital data file, "wherein the device is designated by information inputted in a transmitting device by a sender which includes the phone number of the device; determining whether to receiver the digital data file or not, wherein the determination includes the steps for providing the first information and the second information, providing a partial part of the digital data file to be transmitted, and reproducing the received digital data file. The cited references do not teach or suggest these features, whether taken alone or in combination.

Claim 42 recites that the first information is a title name. The cited references do not teach or suggest these features, whether taken alone or in combination.

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Claim 43 recites that the second information is a sender name or phone number of the transmitting device. The cited references do not teach or suggest these features, whether taken alone or in combination.

Claim 44 recites that the partial part is being a beginning part of the digital data. The cited references do not teach or suggest these features, whether taken alone or in combination.

Claim 45 recites another method for transmitting a compressed digital data file. The cited references do not teach or suggest these features. More specifically, the Hasegawa patent does not teach or suggest “providing an input window for inputting information of a receiver terminal” for the reasons previously noted. Further, Hasegawa does not teach or suggest providing that information to the receiver terminal with information for identifying a source of the digital data file, and then selecting at least one digital data file from a file list to be transmitted, wherein a title name of the selected data file is separately transmitted with the selected digital data file. The Wendelrup patent also fails to teach or suggest these features. Accordingly, it is respectfully submitted that claim 45 is allowable along with the other pending claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

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